

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
ADAM FLAKE
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
adam.flake@usdoj.gov
Attorneys for United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO MANZO-MADRIGAL,

Defendant.

Case No.: 2:21-cr-0086-GMN-EJY

**Government's Response to Order to
Show Cause [ECF No. 49]**

Certification: This response is timely.

On May 9, 2022, this Court issued an order to show cause why this case should not be stayed pending resolution of *United States v. Carrillo-Lopez*, Ninth Cir. Case No. 21-10233. ECF No. 49. The government respectfully suggests that a stay is unnecessary in this case because, as explained in the government's response to Manzo-Madrigal's 28 U.S.C. § 2255 motion, his collateral attack is barred by the explicit waiver in his plea agreement. *See* ECF No. 46. Even if it were not, Manzo-Madrigal procedurally defaulted on this issue by not raising it on direct appeal even though the claim was readily available to him. Accordingly, even if the Ninth Circuit were to affirm the district court's decision in *Carrillo-Lopez*, such a decision would not—and could not—free Manzo-Madrigal of his obligations under the plea agreement or cure his procedural default.

CONCLUSION

For the reasons stated above, the government respectfully suggests that a stay is unnecessary.

DATED this 12th day of May, 2022

Respectfully submitted,

JASON M. FRIERSON
United States Attorney

/s/ Adam Flake
ADAM FLAKE
Assistant United States Attorney